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REMARKS

Claims 1-5, 7-16, 21-26, 28-42 and 44-60 are pending. Claims 10, 21, 22, 31, 48 and 56 are amended. Consideration and allowance of each of these claims is respectfully requested.

1.   Indication of Allowable Subject Matter

Applicant wishes to thank the Examiner for indication that claims 13, 14, 34, 35, 51, 52 and 57, 58 would be allowed if rewritten in independent claim form to include claim limitations found in intervening claims and if amended to overcome objections set forth in the Office Action.

2.   Objections

The Examiner objected to claims 21 and 56 because of informalities. Specifically, the Examiner indicated that the recitation "the input device" in claim 21 lacks sufficient antecedent basis. In claim 56, the Examiner indicates that there is an additional period. Applicant has amended claims 21 and 56 to correct the informalities, and withdrawal of the objections is respectfully requested.

3.   Rejections under 35 U.S.C. 112, second paragraph

Claims 10, 31 and 48 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the recitation "for example" renders the claims 10, 31 and 48 indefinite. Applicant has removed the recitation "for example" from claims 10, 31 and 48. Reconsideration and withdrawal of the rejections is respectfully requested.

4.   Rejections of Claims In View of Alleged Prior Art

Claims 1-5, 11, 15-16, 21-26, 32, 36-42, 44, 49, 53, 54, 56 and 59-60 are rejected under 35 USC § 102(e) for lack of novelty based on U.S. Patent No. 6,050,924 to Shea (hereinafter "the Shea patent"). Claims 7-10, 12, 28-31, 33, 45-48 and 50 are rejected under 35 USC § 103 for being obvious to a person of ordinary skill based on the combined disclosure of Shea and U.S. Patent No. 3,675,640 to Gatts (hereinafter "the Gatts patent").

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A.   Independent Claim 1

Independent claim 1 recites a system for registration and analysis of data from a practiced stage, and for generation of action programs that depend on the performed analysis, the system including, *inter alia*, (a)(i) a selection device connected to a profile generation device or the comparison device or (ii) a memory containing a profile data structure, and being devised to select, in dependence of, e.g., based on or using, (b)(i) a characteristics profile or (ii) a comparison profile, from a multitude of pre-stored action programs, one of the action programs adapted for overcoming shortcomings representative of the comparison profile. Shea does not disclose this subject matter.

Shea generally discloses an exercise terminal network 100 that allows an exerciser to enter a fat loss goal of fat loss, and to collect and compare gathered exercise data associated with exercise on a machine for display to an exerciser (*see*, col. 2, line 64 – col. 3, line 40; col. 24 lines 28-32; and Fig. 5). However, Shea does not disclose, teach or otherwise suggest a reference database containing a pre-stored normal characteristics profile. Rather, Shea teaches that the exerciser enters the goal (col. 13, lines 24, lines 27-32). Shea emphasizes that the system control selects the exercise criteria based on the exerciser's own profile data, the exerciser's fitness goal data (entered by the exerciser as described above), and data regarding exerciser's previous workouts (col. 3, lines 30-39). Even if one were to allege that the range of pulse rate as disclosed in Shea is the normal characteristic profile, Shea discloses that the pulse rate best suited to achieve fat loss is based on a percentage of the input or measured data of the exerciser i.e., 65 to 75 % of the maximum pulse rate (col. 24, lines 39-42). It is unclear from Shea how to determine a "maximum heart rate" based subtracting exerciser's age from [keypad panel] 220 (col. 13, lines 3-5). None of these is **a pre-stored normal characteristic profile** as recited in claim 1. Furthermore, in view of the above reasons why Shea does not disclose a pre-stored normal characteristic profile, Shea certainly cannot disclose or suggest a comparison device devised to generate a comparison profile by comparing said characteristics profile with the pre-stored normal characteristics profile, and a selection device devised to select, in dependence of the characteristics

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profile or the comparison profile, from a multitude of pre-stored action programs, an action program adapted for overcoming shortcomings representative of the comparison profile. For at least these reasons, Shea fails to disclose, teach or suggest each of these claim elements found claim 1, and therefore does not anticipate claim 1. Accordingly, reconsideration and allowance of claim 1 is respectfully requested.

B.   Claims 2-5, 7-16 and 53-55

Claims 2-5, 7-16 and 53-55 either depend directly or indirectly from claim 1 and, as such, are therefore believed allowable for the same reasons that claim 1 is believed allowable. Claims 2-5, 7-16 and 53-55 are also believed to include subject matter that is independently patentable in addition to the patentable subject matter recited in claim 1. For example, claim 9 recites that the practiser is a sports practiser, the stage is a game round of the sport, and the parameter is a game parameter and the action is a training model for improvement of the practiser's player properties with the sport. The Examiner alleges that Gatts teaches a pre-established norm selected from a group with common properties that can be combined with the system taught in Shea in order to select the most appropriate exercising device or program as taught by Gatts (See page 10 of Office Action dated August 24, 2005). Applicants' respectfully submit that Gatts fails to disclose any *kind* of an action program. The dictionary definition of the term "program" is "an ordered list of events to take place or procedures to be followed." *See* definition of "program" at http://www.bartleby.com/61/54/P0585400.html. In like manner, the specification of the present application discloses that an "action program," for example, "preferably consists of a series of exercises adapted to overcome the shortcomings detected by said comparison, and these exercises may be practical as well as theoretical." Page 14, line 24-26 of the present application published as WO 01/10518 (PCT/SE00/01501). *See also, e.g.*, page 13, line 31 through page 14, line 24 of WO 01/10518 (e.g., "action programs" that are multiple instruction/question tests). Rather, Gatts merely discloses producing a printout to give to an individual so that the individual himself or professional (col. 3, lines 3-46). Gatts fails to disclose, teach or suggest a comparison device, connected to the profile generation device and the reference

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database, and devised to generate a comparison profile by comparing said characteristics profile with said pre-stored normal characteristics profile. In view of these deficiencies, **Gatts certainly then does not disclose, teach or suggest a selection device devised to select, in dependence of said characteristics profile or said comparison profile, from a multitude of pre-stored action programs, an action program adapted for overcoming shortcomings representative of said comparison profile**. Therefore, for at least the foregoing reasons, claims 2-5, 7-16 and 53-55 are believed to be presented in condition for allowance and their allowance is respectfully requested.

C.   Independent Claim 21

Independent claim 21 as amended recites a system that includes a data input configured to accept result data of one or more predetermined game parameters from one or more game rounds played or practiced by a sports practiser, a calculator linked to the data input and configured to determine, for each of said game parameters, a characteristics measurement relating to a predetermined characteristics measurement based on the result data, a profiler linked to said calculator and configured to generate a characteristics profile using the calculated characteristics measurement, a database storing a reference characteristics profile for a reference practiser of the sport, or a reference group of practisers with a plurality of common characteristics, a comparator linked to the profiler and the database and configured to generate a comparison profile by comparing the characteristics profile with the reference characteristics profile, a selector linked to the profiler and/or the comparator and/or a memory in which a profile data structure is storable, and configured to select from a group comprised of a plurality of pairs of training models, based on one of the characteristics profile and the comparison profile, one of the training models configured to convey to the sports practiser a plurality of steps or instructions intended to improve the sport practisers' performance in a subsequent game round.

For reasons similar to those described above for claim 1, Shea does not disclose any kind of a system with a database storing a reference characteristics profile for a reference practiser of said sport, or a reference group of practisers with a plurality of

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common characteristics, and a comparator configured to generate a comparison profile by comparing the characteristics profile with the reference characteristics profile. Also, Shea does disclose or teach a selector that selects one of three or more training models based on one of the characteristics profile and the comparison profile, the selected training model configured to convey to the sports practiser **a plurality of steps or instructions intended to improve the sport practisers' performance in a subsequent game round.** Rather, Shea merely discloses a system that receives a goal (e.g., see "fat loss" at col. 24, lines 28-54) as entered by the exerciser and adjusts difficulty to achieve the exerciser's goal. In view of the above deficiencies, anticipation clearly is not met pursuant to 35 U.S.C. § 102(b) which thereby necessitates withdrawal of the rejection of independent claim 21. Shea does not have anything to do with performance in a game having rounds. Also, Shea fails to disclose, teach or suggest, alone or in combination with any other reference of record, such a system that includes multiple training models, in combination with a selector configured to select one of the training models based on the claimed selection criteria recited in claim 21. Shea further fails to disclose, teach or suggest a system employing a selector where such training model selection can be dependent on: (a) a characteristics profile generated by a profiler, and/or (b) a comparison profile generated by a comparator that compares the characteristic profile with a reference. Finally, as previously indicated, **Shea fails to present anything corresponding to a training model that conveys steps or instructions to the practiser intended to help the practiser subsequently perform better in a sport having rounds**. For at least these reasons, applicants respectfully submit that independent claim 21 is presented in condition for allowance and its allowance is respectfully requested.

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D.   Claims 56-58

Claims 56-58 either depend directly or indirectly from claim 21 and, as such, are therefore believed allowable for the same reasons that claim 21 is believed allowable. Claims 56-58 are also believed to include subject matter that is independently patentable in addition to the patentable subject matter recited in claim 21. Therefore, for at least the foregoing reasons, claims 56-58 are believed to be presented in condition for allowance and their allowance is respectfully requested.

E.   Independent Claim 22

Independent claim 22 is believed patentable for reasons similar to those described above for claims 1 and 21. Shea does not disclose, teach or suggest a computer program product that includes the recited comparison means devised to control the computer processing system so as to generate a comparison profile by comparing the characteristics profile with a normal profile which is pre-stored in a reference database, and a selection means devised to control the computer processing system to select from a plurality of pre-stored action programs, in dependence of the characteristics profile or comparison profile, a pre-stored action program adapted for overcoming shortcomings representative of the comparison profile or the characteristics profile. Therefore, reconsideration and allowance of claim 22 is also respectfully requested.

F.   Claims 23-26 and 28-37

Claims 23-26 and 28-37 depend either directly or indirectly from claim 22 and are believed allowable for the same reasons that claim 22 is believed allowable. Applicants' respectfully submit claims 23-26 and 28-37 also independently recite patentable subject matter in addition to claim 22.

G.   Claim 59

Claim 59 depends directly from claim 22 and, as such, is believed allowable for the same reasons that claim 22 is believed allowable. Claim 59 is also believed to include subject matter that is independently patentable in addition to the patentable subject matter recited in claim 22. Therefore, for at least the foregoing reasons, claim 59

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is believed to be presented in condition for allowance and their allowance is respectfully requested.

H.   Independent Claim 38

Independent 38 recites a method for registering and analyzing data from a practiced stage, and for generating action programs in dependence of the performed analysis, the method including, *inter alia*, the step of generating a comparison profile by comparing the characteristics profile with a pre-stored normal profile, selecting, in dependence of a characteristics profile or comparison profile, a pre-stored action program from a multitude of pre-stored action programs, the selected pre-stored action program adapted for overcoming shortcomings representative of the comparison profile or comparison profile. For reasons similar to those described above for claims 1, 21, and 22, Shea does not disclose a method that includes the steps of generating a comparison profile by comparing the characteristics profile with **a pre-stored normal profile,** and selecting, using at least one of the characteristics profile and the comparison profile, a pre-stored action program configured to convey a plurality of steps or instructions directed toward converging (a) a subsequent characteristics profile, generated from characteristics measurement values calculated using data from at least one future practised stage, toward (b) the pre-stored normal profile. For at least these reasons, claim 38 is believed presented in condition for allowance and allowance is respectfully requested.

I.   Claims 39-42, 44-52 and 60

Claims 39-42, 44-52 and 60 depend either directly or indirectly from claim 38 and are believed allowable for the same reasons that claim 38 is believed allowable. Claims 39-42, 44-52 and 60 may also include patentable subject matter in addition to claim 38.

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CONCLUSION AND

PETITION FOR TWO-MONTH EXTENSION

Applicants' respectfully assert that claims 1-5, 7-16, 21-26, 28-42, 44-60 recite patentable subject matter, are presented in condition for allowance, and such action is earnestly requested. A check in the amount of $225.00 has been enclosed herewith in payment of a two-month extension of time for a small entity. No other fees are believed to be payable with this communication. However, the Commissioner is authorized to charge any other fees or credit any overpayment to Deposit Account No. 50-1170.

If the Examiner believes that a telephone interview with the undersigned would facilitate the prosecution and allowance of the application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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